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S E C R E T SECTION 01 OF 04 KINSHASA 000191

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SUBJECT: CONSTITUTIONAL CRISIS LOOMS AS POWER STRUGGLE
BETWEEN PRESIDENT AND HEAD OF PARLIAMENT UNFOLDS

REF: (A) STATE 11267

Classified By: Ambassador William J. Garvelink for reasons 1.4 (b) and (d)

¶1. (S) Summary: President Kabila's determination to remove National Assembly President Vital Kamerhe is quickly becoming a political and, possibly, constitutional crisis that will be resolved one way or another by March 15 when Parliament opens its upcoming spring session. As the President has no legal authority to oust Kamerhe, his advisors have bribed parliamentarians to vote him out of office; the success of this tactic is uncertain, however, given Kamerhe's widespread popularity among fellow legislators. Of greater concern are reports, corroborated by a number of sources, that the president's team is now using intimidation and threats of physical harm to get Kamerhe to leave the scene. Kamerhe told ambassador February 25 that he intended to remain on the job, and was confident he would survive a vote to have him removed. He told EU and UN reps on February 27, however, that he feared for his safety and would step down, although he intended to open parliament on March 15. He has since vacillated several times. We believe Kamerhe's fears for his safety are well founded (although we cannot be sure threats will be acted on) and that he is likely to leave office shortly, hopefully without violating provisions in the constitution on the separation of the three branches of government. Major Western representatives in Kinshasa (U.S., UK, France, Belgium, UN and EU) are monitoring developments closely and wish to coordinate efforts to mediate, if necessary, between Kabila and Kamerhe. End Summary.

Current crisis: a long time in the making

¶2. (SBU) Rumors have swirled for months that President Joseph Kabila intends to sack National Assembly President Vital Kamerhe. Although Kamerhe is leader of Kabila's ruling parliamentary coalition AMP ("Alliance pour la Majorite Presidentielle;" Alliance for the Presidential Majority in English), he has frequently adopted positions at variance with the President's policies. Kamerhe is recognized as an energetic champion of the National Assembly's prerogatives as set forth in the Constitution and as a fair-minded parliamentary leader who ensures that the Opposition's right to express its views is respected. The most recent disagreement between Kabila and Kamerhe occurred when Kamerhe, who earlier had called on Kabila to negotiate with Rwanda on, *inter alia*, renewing diplomatic relations, criticized the President on Radio Okapi January 21 and later in Washington (ref A) over Kabila's decision to conduct joint military operations in North Kivu with the Rwandan Defense Force without consulting the National Assembly. Reaction to Kamerhe's statements by Kabila's most radical supporters was unambiguously negative; some Kamerhe opponents even accused

him of high treason.

¶3. (S) Although Kamerhe has carefully cultivated a positive image in Congolese political circles and with many prominent foreign observers, his reputation as a modernizing, democratic and honest leader is perhaps not fully consistent with reality. Contacts we spoke with report that his blind ambition to one day become president has compromised his judgment. He is believed to have blocked inquiries into allegations he has embezzled considerable sums of money as President of the National Assembly. He has been accused by his enemies (accusations we are unable to corroborate) of fanning the flames of conflict in the war-torn provinces of North and South Kivu (as a native of South Kivu, he has great influence in the eastern Congo) in an effort to weaken Kabila for political gain. According to one source, he has even funneled money to renegade General Laurent Kabila in an effort to keep Kabila off-balance. Whether or not such allegations are true, all Western representatives we spoke with agree that Kamerhe lies frequently in efforts to gain political advantage. In fact, last week he told an EU rep he would have to resign because the United States wanted him removed from office. When we met with him last week, he began the conversation by denying he had made such a statement and claiming that Kabila and his supporters were spreading malicious rumors that the United States was against him (see para. 5 below).

Bringing out the big guns

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¶4. (S) Hoping the controversy over his remarks in Washington would eventually die down, Kamerhe chose to remain away from the DRC for several weeks, leaving the U.S. for two weeks in Belgium and then on to South Africa before returning to Kinshasa on February 22. His stay abroad, however, only appears to have strengthened the resolve of his enemies to make him resign. Shortly after his arrival three members of the National Assembly's seven-member executive directorate ("Bureau") resigned in a clumsy effort by Kabila's subordinates to get rid of Kamerhe's team. According to several sources, the presidency paid each directorate member \$200,000 to step down. Although other members have yet not resigned, it is widely believed that pressure on them to do so will be ratcheted up and that they will follow suit this week. A group of Kabila "envoys" also entered into action, speaking with Kamerhe to demand his resignation. The "Gang of Four" believed to be spearheading the effort to remove Kamerhe consists of Augustin Katumba Mwanke, a close Kabila advisor; former Defense Minister Ghislain Chikez; Planning Minister Olivier Kamitatu; and Evariste Boshab, secretary general of the PPRD (Kabila's own party -- the "Parti du Peuple pour la Reconstruction et la Democratie;" English: People's Party for Reconstruction and Democracy). In a February 27 press conference Kamitatu and Boshab referred to the "tremendous danger" to the DRC's national security caused by Kamerhe's criticism of GDRC-GoR joint military operations.

In a parallel effort to pressure Kamerhe, Kabila's subordinates sent to Kamerhe a delegation of four tribal leaders (when modern politics fail, traditional African customs are still effective) to urge him to obey the country's supreme chief (see para. 10 below).

International Community engages

¶5. (S) On February 23 EU Great Lakes Representative Roeland van der Geer told us that in a meeting with Kamerhe, the National Assembly president reported that he had no choice to resign because the United States was against him. We immediately asked to see Kamerhe, hoping to meet with him the next day. Kamerhe received the ambassador and DCM February ¶25. He immediately denied he had said the U.S. was against him; that was the story being spread by his enemies, he

insisted. In a long monologue he expressed anger with Kabila and his associates over their usurpation of his plan to bring peace to the eastern Congo, creating the distinct impression that his grievance was more important than the quest for peace. Kamerhe also said that Kabila would not harm him and that he was not worried about his safety. The following day (February 26), Van der Geer called to say he had met again with Kamerhe. Kamerhe told him that he had received a message the same day from the presidency that physical harm would come to him if he did not resign. Kamerhe then said he had no option but to resign and leave the country. Van der Geer called a number of contacts in Kinshasa as well as EU officials Louis Michel and Fernando Solana to report on his meeting.

¶6. (S) On the morning of February 27 ambassador asked to meet with ambassadors from the UK, EU, Belgium, France and MONUC to discuss the situation. France was represented by political counselor and MONUC by SRSG's political advisor. There was general agreement that Van der Geer probably overreacted. The message from the presidency was actually a meeting with four tribal chiefs (see para. 4 above) and it was much less threatening than Van der Geer had suggested. There was also general agreement that skepticism of Kamerhe was warranted, as he was clearly trying to manipulate foreign ambassadors to his advantage. Several participants noted instances in which Kamerhe has been less than truthful. It was agreed that Richard Zink, the EU ambassador and MONUC representative would seek an appointment with Kamerhe the same day and ask him directly if he has been threatened and by whom. The group agreed to meet again after Zink's meeting with Kamerhe.

¶7. (S) The group of ambassadors reconvened at 3:30 pm at the U.S. COM's residence. Zink and Doss' political advisor Christian Manahl reported on their 1:30 pm meeting with Kamerhe. UN rep said Kamerhe was "shaking" because of his concern over his security but it was not clear he had been threatened with physical harm. It appeared that Kamerhe had decided to resign, while maintaining a faint hope that Kabila would reconsider. Kamerhe wanted to talk to Kabila one more time before he takes any action. The question Kamerhe was grappling with is how to resign in a graceful way. Kabila,

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or at least the people around him, wanted Kamerhe to resign now. Kamerhe wanted to convene the National Assembly on March 15 and then resign. Ambassadors were still concerned, however, about Kamerhe's security and decided to send UN and French reps to meet with one of the tribal chiefs to ask what Kabila's reps had said specifically about threatening Kamerhe.

Ban Ki Moon should broach issue with Kabila

¶8. (S) It was the consensus of the group that Kamerhe was in no immediate danger but that pressure would build as March 15 approached. Kabila, or his advisors, did not want Kamerhe to open the National Assembly, which could vote to keep him in office. Ambassadors agreed they should not get involved in a power struggle between Kabila and Kamerhe as long as the constitution and integrity of the National Assembly are respected, which appears to be the case up to present time. All believed it would be useful to ask the UN Secretary General, when he was to speak to Kabila the next day, to mention the importance of respecting the constitution and its provisions on the separation of powers. Finally, ambassadors agreed to follow developments closely over the next few days and to convene again towards the middle of week next week, or whenever necessary, to make sure that all ambassadors have the same information and act in unison if it becomes necessary.

¶9. (S) The ambassadors reconvened at the U.S. residence for a third time on February 27 at 7:30 pm to hear from the UN

and French reps on their meeting with the tribal chief. The chief reported that he had not met in person with Kabila's reps because they wished to kill "one of his children" (the chief cannot meet with those who wish to harm his tribesmen and Kamerhe belongs to his tribe). The chief stated, however, that Kabila himself had said he wanted to "settle scores" with Kamerhe, that he "wanted to eliminate him (Kamerhe); and that he was willing to "violate the constitution to get rid of Kamerhe." The chief also reported that Kabila is worried about his own security because there are many Bashi (Shi) tribesmen in the presidential guard force who could turn against him should something happen to Kamerhe. This did not ring true as it is believed that Kabila has few Bashi guards; this could have been more a boastful affirmation of the importance of the Shi ethnic group by its tribal chief. Ambassadors discussed report from the UN and French reps, but were not convinced the tribal leader's remarks were sufficient to be sure Kabila wanted to harm Kamerhe, in part because of the chief's lack of credibility (he is believed to be a severely-addicted alcoholic and he asked the French rep for a visa). Ambassadors did, however, agree that the UN and French reps should seek a meeting immediately with Kamerhe to convey the information gleaned in the meeting with the tribal chief as part of an effort to keep the National Assembly president fully informed. UN and French reps returned an hour later (at 9:30 pm) to state that Kamerhe, in yet another change of direction, was aware of the information provided by the chief and was "defiant," still intending to preside at the opening of the National Assembly on March 15.

Parliamentary vote is not likely

¶10. (C) The Kamerhe affair has the potential to become a constitutional crisis. Observers believe that at the present time he has the votes to stay in office if he does not resign beforehand. Many point out, however, that efforts to buy votes are usually effective in this highly-corrupt political culture and that the tide in the National Assembly could quickly turn against Kamerhe. It is believed that Kamerhe's support among the ruling coalition is particularly fragile as coalition members will not want to risk alienating Kabila. But continued support by Opposition members is also not certain. Sources tell us that Kabila may actually peel off a number of prominent opposition parliamentarians, not through a lump sum payment, but by offering them a lucrative government or para-statal executive position, an offer that would be too good to refuse. But the uncertainties of how the vote would come out probably mean that Kabila's aides will succeed in getting Kamerhe to resign before a vote can be called. In meetings last week with the ambassador, representatives of two opposition groupings, Jean-Pierre Bemba's MLC ("Mouvement pour la Liberation du Congo;" in English, Movement for the Liberation of the Congo) and the

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CDC ("Convention des Democrates Chretiens;" Alliance of Christian Democrats) complained about the "take-over" of the Prime Minister's office by the presidency and asserted that the only obstacle to the Executive Branch obtaining all power in the country was the National Assembly.

Possible consequences on situation in the east

¶11. (C) A major subsidiary concern is the impact Kamerhe's departure from the national stage could have on events in the east. Kamerhe is regarded as a major power broker in North and South Kivu and his departure will likely result in the departure of many of his proteges, including North Kivu governor Julien Paluku. More importantly, the tribal groupings who support Kamerhe, particularly the Shi, Nande, and Hunde, will view Kamerhe's removal as a threat to their interests vis-a-vis their main competitor in the region, the Rwandophones (Hutus and Tutsis), who appear poised to gain

influence as a result of Rwandan-Congolese agreements on power-sharing in the Kivus in the wake of the joint military operations that ended February 25. The reconfiguration of the power map in the Kivus will warrant close monitoring in the weeks ahead.

¶112. (C) Comment: The Kamerhe affair is the first major political crisis since the installation of a democratically-elected government in 2006. Kabilas desire to remove Kamerhe, regardless of Kamerhe's perceived dynamism and commitment to democracy, is legitimate if Kamerhe, as the leader of the ruling coalition, is not carrying out the president's legislative agenda. The Constitution's guarantees of separation of the branches of government, however, do not allow the president to do so unilaterally, conferring that authority to the National Assembly alone. The main issue at hand is how to ensure that the constitution is respected, not to aid particular individuals to stay in office. The other important issue is to ensure that no one is intimidated or threatened to leave office. We recognize that Kamerhe has been intimidated and we believe his security concerns may be genuine. Finally, we have asked to meet with presidential advisor Augustin Katumba Mwanke (Kabila is out of town for several days), to discuss this issue and to make clear we expect the Government to respect the Constitution and the rule of law. We will continue to monitor the situation carefully, coordinate closely with other international actors, and consult with the Department. End comment.

GARVELINK